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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,761	12/12/2000	Allen B. Gruber	0001.US00	4312

23464 7590 12/01/2004

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EXAMINER


CHENCINSKI, SIEGFRIED E

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/740,761	Applicant(s) GRUBER ET AL.	
	Examiner Siegfried E. Chencinski	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper-No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**1. Claims 1-6, 8-33 and 35-60 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Costin IV et al. (US PreGrant Publication 2002/0049816 A1, hereafter Costin) in view of Arnold et al. (US Patent 6,460,072, hereafter Arnold), and Torres (US PreGrant Publication 2002/0004757 A1, hereafter Torres).

**Re. Claims 1, 20, 39, 42 & 43,** Costin disclose a method, system and computer program for on-line, interactive fundraising for an organization over a wide area network ([0008, ll. 12-14]), comprising the steps of:

- hosting the organization's website, the website including a plurality of hyperlinked web pages (Hosting - Abstract; [0006, l. 8]; hyperlinked web pages – ([0009, l. 3]);
- displaying one or more web pages ([0009, l. 3]);
- providing one or more donation and payment web pages ([0009, ll. 3, 8]).

Costin do not explicitly disclose

- having one or more virtual plaques;
- honoring donors;
- updating the one or more virtual plaques when a donation is made.

However, Arnold disclose displaying one or more web pages with virtual displays or pages (Abstract, l. 1; Col. 7, ll. 37-41, 64-66). Virtual plaques are just another form of a web page image display.

And, Torres discloses

- honoring people, in this case loved ones ([0003, l. 10]); and

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- updating web page related information and databases ([0042, I. 6]; [0103, I. 2]).

It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Costin with the art of Arnold, and Torres for the purpose of providing an efficient, content-rich and flexible method for establishing a web site for collecting charitable donations.

**Re. Claims 2 & 21,** Costin disclose a method, system and computer program comprising the step of e-mailing one or more of the updated virtual plaques to potential donors (Abstract; [0007], [0010 – The sending of virtual plaques is obviously included in this teaching per II. 9-16]).

**Re. Claims 3 & 30,** Costin disclose a method, system and computer program wherein one or more of the virtual plaques comprises a static virtual plaque (Inherently capable in an operating system such as Windows).

**Re. Claims 4 & 31,** Costin disclose a method, system and computer program wherein one or more of the virtual plaques comprises a scrolling virtual plaque (Scrolling is an inherent capability available in an operating system such as Windows).

**Re. Claims 5 & 22,** Costin disclose a method, system and computer program wherein the wide-area network is the Internet ([0008, II. 12-14]).

**Re. Claims 6 & 29,** Costin disclose a method, system and computer program further comprising the steps of editing and/or modifying one or more of the virtual plaques and/or the updated virtual plaques (Modifying is an inherent capability available in an operating system such as Windows).

**Re. Claims 8 & 32,** Costin disclose a method, system and computer program comprising the step of creating a personalized donation page for a donor ([0010, I. 3]).

**Re. Claims 9 & 41,** Costin disclose a method, system and computer program comprising the step of e-mailing a report to a donor ([0010]).

**Re. Claims 10 & 23,** Costin disclose a method, system and computer program comprising the step of providing promotional information about the organization and the fundraising cause on the website ([0008, II. 10-11; 0009, II. 5-9]).

**Re. Claims 11 & 24,** Costin disclose a method, system and computer program comprising the step of including information about the donor and the contribution on a

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personalized campaign page ([0010]). Neither Costin nor Torres explicitly disclose the display of virtual images of any kind, which includes one or more of the virtual plaques and/or the updated virtual plaques. However, Arnold discloses the display of virtual images of any kind, which includes one or more of the virtual plaques and/or the updated virtual plaques (Abstract, I. 1; Col. 7, II. 37-41, 64-66). It would have been obvious to an ordinary practitioner at the time of Applicant's invention to have combined the teaching of Costin and Torres with that of Arnold to include information about the donor on a virtual plaque to further promote giving to the targeted beneficiary by further ingratiating the beneficiary organization or project with the donor by publicizing the donor's donation.

**Re. Claims 12 & 25**, Costin disclose a method, system and computer program further comprising the step of providing a payment option, wherein the payment option includes payment by credit card ([0010, I. 12]).

**Re. Claims 13**, Costin disclose a method, system and computer program further comprising the step of providing a payment option, wherein the payment option includes payment by mail ([0063-I. 20]; [0073-I.7]).

**Re. Claims 14 & 26**, neither Costin nor Arnold explicitly disclose the step of providing a payment option wherein the payment option includes payment in two or more installments. However, Torres disclose a payment option which includes payment in two or more installments ([0110-I. 3]). It would have been obvious to an ordinary practitioner at the time of Applicant's invention to have combined the disclosure of Costin and Arnold with those of Torres to make payments more convenient for those donors who prefer to or need to make installment payments to donate the amount they choose to donate, thus expanding the reach of the fundraising campaign.

**Re. Claims 15 & 27**, Costin disclose a method, system and computer program wherein the organization is a charitable organization ([0002 – I. 2]).

**Re. Claims 16 & 35**, Costin disclose a method, system and computer program wherein the organization is a political campaign ([0003]). It would have been obvious to an ordinary practitioner at the time of Applicant's invention to use the increasingly

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successful online political campaign fundraisers of the 1990's to apply this experience to

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the computer automated online fundraising campaign of a political action committee (PAC).

**Re. Claims 17 & 36,** Costin disclose a method, system and computer program wherein the organization is a political campaign ([0003]). Neither Costin nor Arnold or Torres explicitly disclose a method, system and computer program wherein the organization is a political organization. It would have been obvious to an ordinary practitioner at the time of Applicant's invention to use the disclosures of Costin's cause marketing principles and to combine the teachings of Costin, Arnold and Torres with the increasingly successful online political campaign fundraisers of the 1990's to apply these teachings to the computer automated online fundraising campaign of a political organization.

**Re. Claims 18 & 37,** neither Costin nor Torres explicitly disclose a method, system and computer program wherein one or more of the virtual plaques and/or the updated plaques is created on a web page containing an image of a book. However, Arnold disclose the display of virtual images of any kind, (Abstract, I. 1; Col. 7, II. 37-41, 64-66). It would have been obvious to an ordinary practitioner at the time of Applicant's invention to have combined the disclosure of Costin and Torres with those of Arnold in order to provide an efficient, easily maintained, and flexible method and system for establishing a computer-based relationship between a content-rich site which displays a book and a fundraising campaign, thus expanding the reach of the fundraising campaign.

**Re. Claims 19 & 38,** neither Costin nor Torres explicitly disclose a method, system and computer program wherein one or more of the virtual plaques and/or the updated plaques is created on a web page containing an image of an art work. Arnold discloses the display of virtual images of any kind, (Abstract, I. 1; Col. 7, II. 37-41, 64-66). It would have been obvious to an ordinary practitioner at the time of Applicant's invention to have combined the disclosure of Costin and Torres with those of Arnold in order to provide an efficient, easily maintained, and flexible method and system for establishing a computer-based relationship between a content-rich site which displays art work and a fundraising campaign, thus expanding the reach of the fundraising campaign.

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**Re. Claims 28,** Costin and Torres disclose a system wherein the recipient of the virtual plaques may make donations, receive new personalized campaign pages, and re-forward the new personalized campaign pages to others. Neither Costin nor Torres explicitly disclose personal plaques. However, Arnold discloses the display of virtual images of any kind, (Abstract, I. 1; Col. 7, II. 37-41, 64-66). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the teaching of Costin and Torres with that of Arnold to arrange for the recipient of virtual plaques to receive new virtual plaques and re-forward the new virtual plaques to others to further promote giving to the targeted charity by further ingratiating the charity with the donor through to use content-rich images for publicizing the donor's donations.

**Re. Claims 33,** neither Costin nor Torres explicitly disclose the display of virtual images of any kind. However, Arnold discloses the display of virtual images of any kind (Abstract, I. 1; Col. 7, II. 37-41, 64-66). Also, locating a virtual plaque or image such as a virtual placque on the personalized donation page is an inherent capability available from an operating system such as Microsoft Windows. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the teaching of Costin and Torres with that of Arnold to locate a virtual plaque on the personalized donation page of claim 32 for the purpose of further benefiting the fund raising drive with the efficient, easily maintained, and flexible method for establishing a computer-based relationship between a content-rich site.

**Re. Claims 40,** Costin, Arnold and Torres disclose a system as recited in claim 39, further comprising a means for editing the virtual plaques (Editing of the virtual images such as virtual plaques is an inherent capability available offered by an operating system such as Microsoft Windows).

**Re. Claim 44,** Costin disclose a method, system and computer program wherein the step of updating the one or more virtual plaques when a donation is made comprises the step of adding information about the donor and/or the donor's contribution to the one or more virtual plaques (Modifying is an inherent capability available in an operating system such as Windows).

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**Re. Claim 45**, Costin do not explicitly disclose a method, system and computer program wherein the step of updating the one or more virtual plaques when a donation is made comprises the step of creating a new virtual plaque having information about the donor and/or the donor's contribution. However, Arnold disclose displaying one or more web pages with virtual displays or pages (Abstract, I. 1; Col. 7, II. 37-41, 64-66). Virtual plaques are just another form of a web page image display. And, Torres discloses updating web page related information and databases ([0042, I. 6]; [0103, I. 2]). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Costin with the art of Arnold, and Torres for the purpose of providing an efficient, content-rich and flexible method for establishing a web site for collecting charitable donations.

**Re. Claim 46**, Costin do not explicitly disclose a method, system and computer program where the step of updating the one or more virtual plaques occurs only after the organization has received the donation. However, Arnold disclose displaying one or more web pages with virtual displays or pages (Abstract, I. 1; Col. 7, II. 37-41, 64-66). Virtual plaques are just another form of a web page image display. And, Torres discloses updating web page related information and databases ([0042, I. 6]; [0103, I. 2]). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Costin with the art of Arnold, and Torres and to choose to update the one or more virtual plaques only after the organization has received the donation for the purpose of providing an efficient, content-rich and flexible method for establishing a web site for collecting charitable donations.

**Re. Claims 55, 56, 57 & 58**, neither Costin nor Arnold explicitly disclose a method, system and computer program where the updating step occurs at the time of a donation. However, Torres discloses updating web page related information and databases ([0042, I. 6]; [0103, I. 2]). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Costin and Arnold with the art of Torres to choose to update at the time of donation for

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the purpose of providing an efficient, content-rich and flexible method for establishing a web site for collecting charitable donations.

**Re. Claims 47 & 51**, Costin disclose a method, system and computer program of fundraising for an organization over a wide-area network, the method comprising the steps of

- providing a website dedicated to the organization (Abstract; [0006, I. 8]);
- enabling donations to be made to the organization via the website ([0009, II. 3, 8]);

Costin do not explicitly disclose

- displaying one or more virtual plaques on the website, the one or more virtual plaques including information honoring donors to the organization; and
- updating the one or more virtual plaques to include new donor information when a donation is made to the organization.

However, Arnold discloses

- displaying one or more virtual plaques on the website, the one or more virtual plaques (Abstract, I. 1; Col. 7, II. 37-41, 64-66). Virtual plaques are just another form of a web page image display.

And, Torres discloses

- honoring people, in this case donors to the organization ([0003, I. 10]); and
- updating web page related information and databases ([0042, I. 6]; [0103, I. 2]).

It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Costin with the art of Arnold and Torres for the purpose of providing an efficient, content-rich and flexible method for establishing a web site for collecting charitable donations.

**Re. Claims 48 & 52**, Costin do not explicitly disclose a method, system and computer program wherein the one or more virtual plaques comprises a plurality of virtual plaques, with each virtual plaque honoring a specific donor, and wherein the step of updating the one or more virtual plaques comprises the step of creating a new virtual plaque honoring the new donor. However, Arnold disclose a method, system and

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computer program wherein the one or more virtual plaques comprises a plurality of virtual plaques (Abstract, I. 1; Col. 7, II. 37-41, 64-66). Virtual plaques are just another form of a web page image display. Further, Torres discloses

- honoring people, in this case donors to the organization ([0003, I. 10]); and
- updating web page related information and databases ([0042, I. 6]; [0103, I. 2]).

It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Costin with the art of Arnold and Torres wherein the step of updating the one or more virtual plaques comprises the step of creating a new virtual plaque honoring the new donor for the purpose of providing an efficient, content-rich and flexible method for establishing a web site for collecting charitable donations.

**Re. Claims 49 & 53**, Costin do not explicitly disclose a method, system and computer program wherein the one or more virtual plaques comprises a single virtual plaque honoring the donors, and wherein the step of updating the single virtual plaque comprises the step of adding the new donor information to the single virtual plaque. However, Arnold discloses

- displaying a single virtual plaque on a website (Abstract, I. 1; Col. 7, II. 37-41, 64-66). Virtual plaques are just another form of a web page image display.

And, Torres discloses

- honoring people, in this case donors to the organization ([0003, I. 10]); and
- updating web page related information and databases ([0042, I. 6]; [0103, I. 2]).

It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Costin with the art of Arnold and Torres for the purpose of providing an efficient, content-rich and flexible method for establishing a web site for collecting charitable donations and honoring donors with a single virtual plaque which is updated as each new donation is made.

**Re. Claims 50 & 54**, Costin disclose a method, system and computer program wherein the wide-area network comprises the Internet ([0008, II. 12-14]).

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**Re. Claims 59 & 60**, neither Costin nor Arnold explicitly disclose a method, system and computer program where the updating step occurs at the time of a donation, including updating the one or more virtual plaques on the web pages. However, Torres discloses updating web page related information and databases ([0042, l. 6]; [0103, l. 2]). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Costin and Arnold with the art of Torres to choose to update at the time of donation for the purpose of providing an efficient, content-rich and flexible method for establishing a web site for collecting charitable donations.

**2. Claims 7, 34 and 61-68 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Costin in view of Arnold and Torres as applies to claims 1, 20, 39 & 43 above, and further in view of Froseth (US PreGrant Publication 2002/0004749 A1).

**Re. Claims 7 & 34**, none of Costin, Arnold and Torres explicitly disclose a method and system comprising the step of broadcasting one or more of the virtual plaques and/or the updated virtual plaques on television. However, Froseth discloses a method and system comprising the step of broadcasting the virtual plaque on television ([0086, l. 23]). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Costin, Arnold, and Torres with the art of Froseth for the purpose of providing a system and method of promoting charitable contributions which makes use of varied computer automated media for reaching potential donors to lead prospects to a web site for collecting charitable donations.

**Re. Claims 61-68**, neither Costin nor Arnold and Torres explicitly disclose a method, system and computer program wherein:

- **Re. Claims 61, 63, 65 & 67**, a donor may choose the words and/or language inscribed in a virtual plaque.
- **Re. Claims 62, 64, 66 & 68**, a donor may choose the words and/or language inscribed in a virtual plaque and is further able to modify the virtual plaque at a later time.

However, Froseth discloses a consumer/customer the opportunity to customize their choice of a product on line (p. 12, [134]). It would have been obvious to one of ordinary

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skill in the art to translate the giving of choice to a customer to the giving of choice of various kinds to a donor, such as the choice of words and/or language inscribed on a virtual plaque at the time of donation and/or to give the donor the chance of modifying the virtual plaque at a later time. Such choices are well known in the world of motivating and receiving donations, including the worlds of education, arts, charitable and religious institutions. Such institutions have given various choices to donors for centuries. One of the most well known of these choices is the naming of a building, a program or even a seat to which the donor has contributed financially or otherwise. It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have In an on line charitable solicitation It would therefore have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Costin, Arnold, and Torres with the art of Froseth for the purpose of providing a computer automated system and method of promoting charitable contributions which makes use of varied media for reaching potential donors to lead prospects to a web site for collecting charitable donations with appeals which stimulate the varied interests and motivations of potential donors, such as the opportunity to affect the inscription of a virtual plaque related to a donation (Froseth, p. 1, [0010], ll. 10-12).

**3. Claims 69-72 are rejected** under 35 U.S.C. 103(a) as being unpatentable over as being unpatentable over Costin in view of Arnold and Torres as applies to claims 47 and 51 above, and further in view of Froseth.

Neither Costin, nor Arnold and Torres explicitly disclose a method, system and computer program wherein:

**Re. Claims 69 & 71**, a donor may choose the words and/or language inscribed in a virtual plaque.

**Re. Claims 70 & 72**, a donor may choose the words and/or language inscribed in a virtual plaque and is further able to modify the virtual plaque at a later time.

However, Froseth discloses a consumer/customer the opportunity to customize their choice of a product on line (p. 12, [134]). It would have been obvious to one of ordinary skill in the art to translate the giving of choice to a customer to the giving of choice of

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various kinds to a donor, such as the choice of words and/or language inscribed on a virtual plaque at the time of donation and/or to give the donor the chance of modifying the virtual plaque at a later time. Such choices are well known in the world of motivating and receiving donations, including the worlds of education, arts, charitable and religious institutions. Such institutions have given various choices to donors for centuries in order to honor donors and express appreciation to them. One of the most well known of these choices is the naming of a building, a program or even a seat to which the donor has contributed financially or otherwise. It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have In an on line charitable solicitation It would therefore have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Costin, Arnold, and Torres with the art of Froseth and the centuries old practice of giving donors choices as gestures of appreciation for the purpose of providing a computer automated system and method of promoting charitable contributions which makes use of varied media for leading potential donors to a web site for collecting charitable donations with appeals which stimulate the varied interests and motivations of potential donors, such as the opportunity to affect the inscription of a virtual plaque related to a donation (Froseth, p. 1, [0010], II. 10-12).

### ***Response to Arguments***

4. Applicant's arguments filed August 23, 2004 regarding the rejection of claims 1-72 have been fully considered but they are not persuasive.

a) Applicant argues that displaying one or more virtual plaques on a web site as claimed in independent claims 1, 20 and 43 is "neither disclosed, taught not suggested by Costin, Arnold and/or Torres taken alone or in combination (p. 14, l. 18 – p. 17, l. 11). Applicant thus concludes that the examiner has improperly combined the references and thus failed to make a proper *prima facie* case of obviousness combination (p. 17, l. 12 – p. 22, l. 5).

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REPLY:

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(1) The Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 509 F.2d 566, 184 USPQ 607, (CCPA 1975). Further, "there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin* 443 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971)". ... and "references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 9ccpa) 1969". Costin's teachings are clearly concerned with computer automated methods and systems of on line fund raising directed at consumers. Similarly, the teachings of Arnold, Torres and Froseth are all concerned with computer automated on line methods and systems directed at consumers. This commonality binds the teachings together in computer automated on line methods and systems directed at stimulating consumers. Further, each of these teachings even has the common motivation of attempting to motivate a consumer to do something on an interactive web site which will have a financial benefit for the beneficiaries of activity on the web site. As such, the four sets of teachings are strongly relevant to each other. The detailed differences in the solicitation goals, techniques and offerings would not have veiled the useful teachings from the eyes and mind of the ordinary practitioner of the art. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have considered each of these prior art presentations in arriving at the time of Applicant's invention.

(2) Regarding virtual plaques on a web site which are intended to honor donors, Costin teaches on line charitable fund raising. Torres teaches honoring people in a wide, flexible variety of ways. Further, the practice over the centuries has been to provide all kinds of enticements and favors, including many choices, to donors. Scrolls and plaques have commonly been given even in commercial transactions, but very much as gestures of appreciation. These hang all over the walls of America and the rest of the world. Therefore the ordinary practitioner would quickly find it obvious to present a wide

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variety of virtual honor, recognition and appreciation plaques to the on line donor prospect as an incentive to donate. The ordinary practitioner of the art would have experimented with all the features of computer operating systems such as Windows or Linux in designing and modifying a web site whose purpose is to solicit online donations. Arnold just presents one prior art teaching of many web page image display practices (Arnold et al. disclose displaying one or more web pages with virtual displays or pages (Abstract, I. 1; Col. 7, II. 37-41, 64-66)). Applicant's attempt to imply and suggest, yet not so explicitly claim that the specification has created a lexicographic definition is invalid, because the specification clearly describes the wide open possibilities of a graphic and type presentations on a web page (specification, p. 13-23), thus not qualifying for such a narrow and specific definition. This section of the specification states in part "a virtual plaque can be created on a web page containing the image of a book, an art work, or any other object" and "A virtual plaque can be created in many other ways as will become apparent to those skilled in the art". Among the motivations for the combinations of the art of Costin, Arnold and Torres, with the rejection of claims 1, 20, 39, 42 and 43 as exemplary, is the purpose of providing an efficient, content-rich and flexible method for establishing a web site for collecting charitable donations.

(3) In this case the above review establishes that a proper *prima facie* case of obviousness combination has been made in the above rejections on the basis that (a) the test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art, and (b) "references have been shown to have been evaluated by what they suggest to one versed in the art, rather than by their specific disclosures, and (c) the motivation for the combinations of the prior art of Costin, Arnold, and Torres have been established.

**b) Applicant argues that "there is no teaching or suggestion of broadcasting any type of virtual plaque honoring donors in Froseth".**

**REPLY:** Froseth is not cited as having taught or suggested the explicit broadcasting of any type of virtual plaque honoring donors. Rather, the *prima facie* case of obviousness

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combination making use of Froseth's teaching is in combination with the teachings of Costin, Arnold and Torres. As stated in the above rejections, with the rejection of claims 7 and 34 as exemplary, Froseth discloses a method and system comprising the step of broadcasting the virtual plaque on television ([0086, l. 23]). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Costin IV et al., Arnold, and Torres with the art of Froseth for the purpose of providing a system and method of promoting charitable contributions which makes use of varied computer automated media for reaching potential donors to lead prospects to a web site for collecting charitable donations.

### ***Conclusion***

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is 703-305-6199. The Examiner can normally be reached Monday through Friday, 9am to 6pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on 703- 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

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Any response to this action should be mailed to:



Art Unit: 3628

*Commissioner of Patents and Trademarks Washington D.C. 20231*

or faxed to:

(703)872-9306 [Official communications; including After Final communications  
labeled "Box AF"]

(703) 746-9601 [Informal/Draft communications, labeled "PROPOSED" or  
"DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2411 Crystal Drive,  
Arlington, VA, 7th floor receptionist.

SEC

November 15, 2004

  
HYUNG SOOH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600